



**ARIZONA STATE SENATE**  
*Fifty-Second Legislature, Second Regular Session*

FACT SHEET FOR H.B. 2443

metal dealer licensure; local authority

Purpose

Allows a city, town or county to enforce scrap metal dealer license laws.

Background

Laws 2015, Chapter 271 prohibits cities, towns and counties from: a) requiring energy usage and consumption reports from an owner, operator or tenant of a business, commercial building or multi-family housing property; and b) regulating the sale, use or disposition of auxiliary containers by an owner, operator or tenant of a business, commercial building or multi-family housing property. Statutory definition of *auxiliary container* includes reusable bags, disposable bags, boxes, beverage cans, bottles, cups and containers that are made out of cloth, plastic, extruded polystyrene, glass, aluminum, cardboard or other similar materials and that are used for transporting merchandise or food to or from a business or multi-family housing property. *Auxiliary container* does not include a stationary receptacle intended solely for use by the public for voluntary donation of goods and materials intended for subsequent reuse, sale or recycling (A.R.S. § 9-500.36).

H.B. 2131, Fifty-second Legislature, Second Regular Session repeals statute prohibiting cities, towns and counties from regulating the sale, use and disposition of auxiliary containers by an owner, operator or tenant of a business, commercial building or multi-family housing property and reinserts it into a separate section of statute.

A *scrap metal dealer* is a person or business entity whose primary business is the dismantling, selling or disposing of motor vehicles parts or castoff material of any kind which is commonly known as scrap metal (A.R.S. § 44-1651). Laws 2013, Chapter 137 stipulates that: a) the registration of scrap metal dealers is a matter of statewide concern; b) the power to register scrap metal dealers is preempted by the state; and) a city, town or county may enforce laws relating to scrap metal business licensing.

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Stipulates that prohibitions against regulating the sale, use or disposition of auxiliary containers do not limit the power of a city, town or county to enforce scrap metal dealer licenses.

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2. Contains a conditional enactment, contingent on the outcome of H.B. 2131, conforming section numbers amended by the Fifty-second Legislature, Second Regular Session.
3. Becomes effective on the general effective date.

House Action

GHE	1/21/16	DPA	7-0-2
3 <sup>rd</sup> Read	2/8/16	DPA	56-0-4

Prepared by Senate Research

February 25, 2016

GH/LB/rf